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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT PAPER NUMBER

2155

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/539,193

Applicant(s)

BROOKS ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-14, 17-26 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

1. Claims 1 through 26 are presented for examination.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 11, 13, 14, and 17 through 26 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,356,945 to Shaw et al., (hereinafter Shaw).
5. As per claim 11, Shaw teaches a system for personal broadcasting to a mobile display device comprises:
6. a processor (Figures 2a, 3, 4b, 6b, 7a, 10b, & 13; column 3, lines 21-54); and,
7. a personal broadcasting server coupled to the processor and coupled to a wide area network of computers comprising:

an image retrieval portion configured to retrieve incoming video signals in a first format (Figures 2a, 2b, 4a, 5, & 7b; column 2, lines 11-24; column 4, line 6 to column 5, line 37);

a look up table coupled to the personal broadcasting web site for determining parameters for a second format for the incoming video signals (Figures 1, 3, & 4b; column 2, lines 11-24; column 2, line 64 to column 3, line 20); and,

a transcoding module coupled to the image retrieval portion and to the look up table, the transcoding module configured to convert the incoming video signal from the first format into the second format in response to the parameters (Figures 2a, 2b, 4a, 4b, & 5; column 3, lines 39-54; column 4, line 43 to column 5, line 50);

wherein the second format is more appropriate for the mobile display device than the first format (Figure 3; column 3, lines 39-54; column 4, line 43 to column 5, line 50).

8. With regards to claim 13, Shaw teaches wherein the image retrieval portion is configured to receive the incoming video signals from a data file (Figures 2a, 2b, 4a, 4b, & 5; column 3, lines 39-54; column 5, lines 37-64).

9. Regarding claim 14, Shaw teaches wherein the second format is compressed (Figures 2a, 2b, 4a, 4b, & 5; column 3, lines 32-39).

10. Concerning claim 17, Shaw teaches wherein the parameters from the look up table includes pixel bit-depth data (Figure 3; column 6, lines 35-62).

11. Regarding claim 18, Shaw teaches wherein the parameters from the look up table includes frame rate data (Figure 3; column 4, line 43 to column 5, line 13; column 6, lines 35-62).

12. As per claim 19, Shaw teaches a distributed system for broadcasting personal streaming data comprises:

13. a video data source coupled to a network, the video data source configured to provide an output stream of video data, the output stream of video data having a first set of video parameters (Figures 2a, 3, 4b, 6b, 7a, 10b, & 13; column 2, lines 11-24; column 2, line 64 to column 3, line 20; column 4, line 6 to column 5, line 37);

14. a client device coupled to the network, the client device configured to receive an input stream of video data, the input stream of video data having a second set of video parameters, and configured to output a device identifier (Figures 1 & 3; column 2, line 64 to column 3, line 20; column 4, line 43 to column 5, line 13; column 6, lines 35-62);

15. a gateway server coupled to the video data source and to the client device across the network, the gateway server configured to receive the output stream of video data and to receive the device identifier, and in response to generate the input stream of video data in response to the device identifier (Figures 2a, 3, 4b, 6b, 7a, 10b, & 13; column 2, lines 11-24; column 3, lines 21-54; column 4, line 6 to column 5, line 37); and,

16. wherein at least one parameter in the first set of video parameters is larger than a corresponding parameters of the second set of video parameters (Figure 3; column 4, line 43 to column 5, line 13; column 6, lines 35-62).

17. Regarding claim 20, Shaw teaches wherein the video data source is also configured to receive video data (Figures 2a, 2b, 4a, 4b, & 5; column 3, lines 39-54; column 5, lines 37-64); and,

18. wherein the output stream of video data is determined in response to the video data (Figures 2a, 2b, 4a, 4b, & 5; column 3, lines 39-54; column 5, lines 37-64).

19. Concerning claim 21, Shaw teaches wherein the video data source is also configured to retrieve a data file from a memory (Figures 2a, 2b, 4a, 4b, & 5; column 3, lines 39-54; column 5, lines 37-64); and,

20. wherein the output stream of video data is determined in response to the data file from the memory (Figures 2a, 2b, 4a, 4b, & 5; column 3, lines 39-54; column 5, lines 37-64).

21. With regards to claim 22, Shaw teaches wherein the gateway server comprises a look up table, the look up table associating the device identifier with the second set of video parameters (Figure 3; column 4, line 43 to column 5, line 13; column 6, lines 35-62); and,

22. wherein the gateway server generates the input stream of video data in response to the second set of video parameters (Figure 3; column 4, line 43 to column 5, line 13; column 6, lines 35-62).

23. Regarding claim 23, Shaw teaches wherein the at least one parameter in the first set of video parameters is a frame rate parameter (Figure 3; column 6, lines 35-62).

24. With regards to claim 24, Shaw teaches wherein the at least one parameter in the first set of video parameters is a bit rate parameter (Figure 3; column 4, line 43 to column 5, line 13; column 6, lines 35-62).

25. Regarding claim 25, Shaw teaches wherein at least another parameter in the second set of video parameters comprises a compression format (Figure 3; column 3, lines 39-54; column 4, line 43 to column 5, line 13).

26. As per claim 26, Shaw teaches wherein the compression format is selected from the group comprising: GIF, JPEG, MPEG (column 2, lines 11-24; column 18, line 57 to column 19, line 23).

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 1, 2, 5, and 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,094,219 to Roberts et al., (hereinafter Roberts), in view of United States Patent No. 6,147,703 to Miller et al., (hereinafter Miller).

29. As per claim 1, Roberts teaches a system for transferring real time video information from a source device to one of a plurality of output devices, the system comprising:

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30. an image capturing device for the acquiring of video information (Abstract; Figures 1, 6, & 7; column 5, line 56 to column 7, line 5), the image capturing device comprising:

a processor (Figures 1, 6, & 7; column 5, line 56 to column 7, line 5);

a graphics module coupled to the processor (Figures 1, 2, 6, 9, & 11; column 7, lines 6-23);

a packetizing portion coupled to the processor (Figures 9, 11, 14a, & 14b; column 9, lines 25-57; column 11, lines 17-55);

the packetizing portion being adapted to convert the video information into a packetized stream of information (Figures 9, 11, 14a, & 14b; column 9, lines 25-57; column 11, lines 17-55);

the packetized stream of information being in a first format (column 9, lines 25-57; column 10, lines 6-48); and,

an output device coupled to the processor for transferring the packetized stream of information to a network (Figure 11; column 11, lines 37-55);

31. a network gateway coupled to the image capturing device through the network, the network being coupled to a worldwide network of computers (Figures 6 & 10; column 6, lines 23-56), the network gateway comprising:

a gateway transcoding device for converting the packetized stream of information from the first format to a second format (Figures 9 & 11; column 9, line 24 to column 10, line 48);

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the network gateway also comprising a packetizing portion for transferring the packetized streams of information in the second format to the network (Figures 9 & 11; column 9, line 24 to column 10, line 48; column 11, lines 37-55); and,

32. a display device coupled to the network gateway through the world wide network of computers (Figure 10; column 9, line 24 to column 10, line 48), the display device comprising:

a display device for converting the packetized stream of information into video information for display (Figures 10 & 13; column 11, lines 17-37);

the display device also comprising a display for displaying the video information on the display device (Figures 10 & 13; column 10, lines 30-47; column 11, lines 17-37).

33. Roberts does not teach a browsing device coupled to the processor.

34. Miller teaches a browsing device coupled to the processor (Figures 3, 5, 6a, 6b, & 6c; column 3, line 66 to column 4, line 38). Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the browsing device of Miller with the system of Roberts, because it would enable a quicker and more efficient way to browse through various pictures stored on the camera.

35. Regarding claim 2, Roberts teaches wherein the packetized stream of information in the first format is compressed (column 9, lines 25-57).

36. With regards to claim 5, Roberts teaches wherein the first format is different in type from the second format (Figures 9, 11, 14a, & 14b; column 9, lines 25-57; column 11, lines 17-55).

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37. Regarding claim 8, Roberts teaches wherein the image capturing device is a video camera (column 1, lines 13-30; column 1, line 47 to column 2, line 9).

38. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Miller as applied to claim 1 above, and further in view of United States Patent No. 5,737,595 to Cohen et al., (hereinafter Cohen).

39. With regards to claim 3, Roberts and Miller do not teach wherein the display device is coupled to a wireless network, the wireless network being coupled to the worldwide network of computers.

40. Cohen teaches wherein the display device is coupled to a wireless network, the wireless network being coupled to the worldwide network of computers (Figures 7, 8, 9a, 9b, 9c, 9d, 9e, 9f, & 9g; column 15, lines 20-50). Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the wireless network in the system of Roberts and Miller, because it would enable an easier way to access the captured video and pictures.

41. Concerning claim 4, neither Roberts nor Miller teach wherein the display device is selected from one of a plurality of devices including a portable computer, a laptop computer, a personal digital assistant, a web appliance, a personal computer, and a work station.

42. Cohen teaches wherein the display device is selected from one of a plurality of devices including a portable computer, a laptop computer, a personal digital assistant, a web appliance, a personal computer, and a work station (Figures 7, 8, 9a, 9b, 9c, 9d, 9e, 9f, & 9g; column 16, lines

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26-45). It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the wireless network in the system of Roberts and Miller, because it would enable an easier way to access the captured video and pictures.

43. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Miller as applied to claim 1 above, and further in view of United States Patent No. 5,602,589 to Vishwanath et al., (hereinafter Vishwanath).

44. Concerning claim 9, Roberts and Miller do not teach wherein the network gateway comprises a lookup table.

45. Vishwanath teaches wherein the network gateway comprises a lookup table (Figures 1a, 1b, 4c, & 5; column 1, line 49 to column 2, line 7). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the lookup table of Vishwanath with the system of Roberts and Miller, because it would enable a faster way to find and transfer the pictures and videos.

46. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Miller as applied to claim 1 above, and further in view of Shaw.

47. With regards to claim 10, Roberts and Miller do not teach wherein the image capturing device is coupled to a personal computer that is coupled via a wireless medium to the network.

48. Shaw teaches wherein the image capturing device is coupled to a personal computer that is coupled via a wireless medium to the network (Figures 1 & 4b; column 2, lines 11-24; column 2, line 64 to column 3, line 20). It would have been obvious to one with ordinary skill in the art

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at the time the invention was made to incorporate the lookup table of Shaw with the system of Roberts and Miller, because it would enable a faster way to transfer the pictures and videos.

49. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Roberts.

50. Regarding claim 12, Shaw does not teach wherein the image retrieval portion is configured to receive the incoming video signals from a video camera.

51. Roberts teaches wherein the image retrieval portion is configured to receive the incoming video signals from a video camera (column 1, lines 13-30; column 1, line 47 to column 2, line 9). Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the video camera of Roberts with the system of Shaw, because it would allow for an easier way to import pictures and video.

Allowable Subject Matter

52. Claims 6, 7, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

53. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

54. The following patents are cited to further show the state of the art with respect to personal broadcasting systems, such as:

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United States Patent No. 5,032,927 to Watanabe et al., which is cited to show an image signal recording apparatus.

United States Patent No. 5,909,250 to Hardiman, which is cited to show video compression.

United States Patent No. 5,422,674 to Hooper et al., which is cited to show a remote display on a network.

United States Patent No. 5,091,782 to Krause et al., which is cited to show how to compress digital video.

United States Patent No. 6,201,536 to Hendricks et al., which is cited to show a network manager.

55. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (703) 305-7704. The examiner can normally be reached on Monday thru Thursday 7-5.

56. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7240 for regular communications and (703) 746-7239 for After Final communications.

57. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Christian La Forgia
Patent Examiner
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December 5, 2002



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